

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re

FANCHEST, INC.,

Case No. 20-43932-jmm

Debtor.

Chapter 11 (Sub-Chapter V)

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**EX PARTE ORDER SCHEDULING HEARING ON REMOVING DEBTOR-IN-POSSESSION
PURSUANT TO 11 U.S.C. § 1185 AND AUTHORIZING THE SUB-CHAPTER V TRUSTEE TO
PERFORM THE DUTIES SET FORTH IN 11 U.S.C. § 1183(B)(5) OR (2) CONVERTING
CHAPTER 11 CASE TO A CHAPTER 7 CASE**

Upon the Motion (“Motion”) of Phoenix Growth Capital, LLC (the “Lender”) dated February 16, 2021, for the entry of an order, pursuant to 11 U.S.C. §1185, displacing the debtor in possession and authorizing the Sub-Chapter V trustee to perform the duties set forth in §1183(B)(5) or converting the chapter 11 case to a chapter 7 case pursuant to 11 U.S.C. §1112(b), the supporting Declaration of Norma E. Ortiz dated February 16, 2021, the Lender’s Application for an order fixing method of service and shortening the notice period for a hearing on the Motion (the “Application”); and it appearing that sufficient grounds have been established by the Lender to warrant the relief sought in the Application, and that entry of this Order is necessary and appropriate in accordance with Local Rule 9077-1, it is

ORDERED, that a hearing on the Lender’s Motion is scheduled for February 25, 2021, at 3:00 p.m., **in the United States Bankruptcy Court for the Eastern District of New York, 271-C Cadman Plaza East, Courtroom 3529, Brooklyn, NY 11201 (JMM)** or as soon thereafter as counsel can be heard (the “Hearing”), why the relief requested in the Motion should not be granted; and it is further

ORDERED, that the hearing on the Motion will be conducted telephonically. The dial-in information for the hearing is as follows: Toll-Free Number: (888) 273-3658; Access Code: 2872314; and it is further (JMM)

ORDERED, that the Lender shall serve a copy of this Order and the supporting papers by electronic mail and facsimile transmission to (1) the Debtor and the Debtor's ten (10) largest **unsecured (JMM)** creditors and parties in interest; (2) the Office of the U.S. Trustee and the Sub Chapter V Trustee; **and** (3) all parties who filed a notice of appearance; **and (4) all known parties asserting a lien on or security interest in any property of the Debtor's estate (JMM)** no later than February 18, 2021; and it is further

ORDERED, that the Lender shall serve all other known creditors by regular mail and electronic mail or facsimile transmission, if email or facsimile numbers are not available; and it is further

ORDERED, that such service shall be adequate and sufficient notice of the Motion and the Hearing; and it is further

ORDERED, that the Lender shall file proof of service by February 20, 2021; and it is further (JMM)

ORDERED, that objections, if any, to the relief requested in the Motion shall be in writing, shall conform to the Bankruptcy Code, the Bankruptcy Rules and Local Rules of the Bankruptcy Court, and must be filed and served by electronic mail upon (i) Norma E. Ortiz, Esq., Lenders' counsel, with a copy to delivered to the Chambers of Jill Mazer Marino no later than February 24, 2021, at 5:00 p.m.; and it is further

ORDERED, that any objections to the relief sought shall be considered at the hearing and objections may be, but are not required to be, filed prior to the hearing; and it is further (JMM)

ORDERED, that sufficient grounds have been shown for a reduction of time for notice of consideration of the Motion under Fed. R. Bankr. Proc. 9006(c) and for granting the relief requested; and it is further

ORDERED, that the Lender is authorized and empowered to take all actions necessary to implement the relief granted in this order.

**Dated: Brooklyn, New York
February 17, 2021**





JH Mazer-Marino
United States Bankruptcy Judge